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development of the office of Parliamentary Counsel under Lord Thring shortly thereafter. Once, however, a statute is placed on the books, or a rule of the common law or equity has been formulated by court decision, the scope of such law may be interpreted by both advisory opinions or declaratory judgments, as well as by opinions of the attorney general, the issuance of administrative rules and regulations by those entrusted with the execution of the law, the determination of disputed rights by administrative tribunals, as under the Torrens acts, and the interpretation of written instruments by arbitrators, as, for instance, the work of the National War Labor Board in the recent ferry strike in New York. "Preventive assistance", when given by court action through advisory opinions or declaratory judgments, which must, in a great measure, force the settlement of questions in the abstract "as dry matters of constitutional law", may, however, prove not only a relief for social disturbances created by uncertainty of jural relationships, as is advocated by both authors, but also more readily prevent the acceptance by the courts of much modern social legislation whose sustainment depends often not on mere doctrine, but on differences in degree advanced as a result of the court's consideration of the force of particular facts together with the social problem to be remedied. At present, the brewers might well desire a judicial declaration of the scope of legislation that might be enacted under the new Eighteenth Amendment; but, on the other hand, the reversal, in the *Schweinfurter* case, of the principle in *People v. Williams*, that night work for women may not be restricted constitutionally by the legislature, as well as the decisions in the minimum wage and other cases, was due in great part to the opportunity given the court to view the respective laws with reference to the factual situation. Certainly, it would seem that the declaratory judgment, and particularly the advisory opinion, should not be used in testing social legislation, under the Fourteenth Amendment, for example, where the question of reasonableness is the governing consideration.

Frederic P. Lee.

LOAN AND HIRE. By T. BATY. Tokio: MARUZEN Co. 1918. pp. viii, 178.

The appearance of this little book is a result of the rule of the law of nature that all systematic learning must be printed as well as written down. One is not quite convinced that its publication is rather the result of a benevolent desire to lay before the less adventurous the geography of an uncharted land of enchantment, by the distinguished author's assurance that it covers loan and hire of chattels not only, but also *agreements to lend and to hire* (Preface).

This inclusive plan must account for the devotion of three (I, VI, VII) of the seven chapters, comprising sixty-nine of the one hundred sixty-five pages, to a sketch of the law of contracts generally—offer, acceptance, consideration, misrepresentation, duress, mistake, impossibility, "merger", statute of limitations,—to a discussion of capacity of infants, lunatics, etc., and of some topics in the conflict of laws.

The remaining four chapters are entitled, Duties of the Lender and Letter, Duties of the Borrower and Hirer, Ancillary Provisions, and Duties and Rights of Third Parties. They are the work of one thoroughly familiar with his materials. Of necessity there is much threshing of old straw. For example, in the chapter on Rights and

Duties of Third Parties, with the exception of a few recent cases giving an artisan a lien against the vendor in a contract of conditional sale, the following are the cases discussed: *Bryant v. Wardell*, *Mears v. Railway Company*, *Manders v. Williams*, *Gordon v. Harper*, *Claridge v. Tram. Company*, *The Winkfield*. Fortunately, the author's sprightly gait keeps us in good humor as we follow him over and among the monuments of the law of personal property; and his intellectual vigor constantly commands our attention.

The thought of a book of the same plan and scope by a less competent hand fills one with dismay. The author's accomplishment suggests only the favorite word of the doubting reporter, *quaere*.

Underhill Moore.

COMMENTARIES ON EQUITY JURISPRUDENCE. By JOSEPH STORY. Fourteenth Edition. By W. H. LYON, JR. 3 Vols. Boston: LITTLE, BROWN & Co. 1918. pp. cxcii, 545; vii, 683; vii, 682.

This well known commentary on equity jurisprudence appears in a three volume edition for the first time, after a gap of thirty-two years since the publication of its predecessor. It is hardly to be expected that a work of originally about seven hundred pages, passing through the metamorphosis of fourteen editions and emerging as a work of about two thousand pages, can retain much of the character of the original, however sparing each succeeding editor may have been in his emendations. The present editor has added generously to the original text and clearly indicates his own additions. It would seem far better, had he made his own contributions in the form of footnotes, for, if the words of Justice Story are no longer able to stand alone, what is required is a new commentary, and not a new edition. The classification and arrangement of the subject-matter of the original have been retained. The section numbering has been altered, which may cause later inconveniences. Nevertheless, the publication of a fourteenth edition bespeaks popularity and service to the profession. There would seem to be a basis for criticism of all such works as the present, in that they are too long to be read with a view to obtaining a comprehensive survey of the subject as a whole, and yet, purporting as they do to cover so vast a domain as that of equity jurisprudence, they obviously cannot afford exhaustive treatment for any specific head. Their function seems more "to lighten the labors of the inquisitive than to supply the wants of the learned".

AUTOMOBILE LIABILITY. By JOHN A. POST. New York: E. P. DUTTON & Co. 1918. pp. 45.

In this book, Mr. Post has set forth in simple language a concise syllabus of the legal facts essential for the automobile owner to know. No effort is made to analyze the legal questions involved, the aim of the author being merely to tell the average layman what to do and what not to do, if he would avoid trouble.

BOOKS RECEIVED:

HISTORY OF GERMANIC PRIVATE LAW. By RUDOLF HUEBNER. Continental Legal History Series: Vol. IV. Boston: LITTLE, BROWN & Co. 1918. pp. lix, 785.